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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/650,403

08/28/2003

Hugo Cheung

TI-32740.1

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02/19/2009

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EXAMINER

NGUYEN, TANH Q

ART UNIT

PAPER NUMBER

2182

NOTIFICATION DATE

DELIVERY MODE

02/19/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HUGO CHEUNG

Application No. 10\650,403
Technology Center 2183

Mailed: February 18, 2009

Before DELORES LOWE, *Review Team Paralegal*
LOWE, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on December 16, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

EXAMINER'S ANSWER,
INCONSISTENCIES WITH THE BRIEF AND/OR
LAST REJECTION OF RECORD

A review of the file finds inconsistencies between the last rejection of record, and corresponding Grounds of Rejection to be Review on Appeal sections in the Appeal Brief and the examiner's answer as set forth below.

Final Rejection

A review of the Final Rejection mailed on June 23, 2006, finds the following status of the claims: claims cancelled: None, claims allowed: None, claims rejected: 15-20, claims withdrawn: None.

A further review of the file finds that amendment after final was filed September 25, 2006 and the amendment was not entered.

Appeal Brief

A review of the Appeal Brief filed on December 21, 2007, finds that the status of claims is different or unclear as compared to the last rejection of record, including any entered after final amendments. Status of claim 18 is withdrawn from consideration on appeal.

Examiner's Answer

A review of the Examiner's Answer mailed on March 20, 2008, finds that the status of claims is different or unclear as compared to the last rejection of record and/or as compared to the Brief.

Specifically, the Examiner's Answer sets forth a rejection of claim 18 as being rejected under 35 U.S.C. 112, first paragraph, and claims 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomsen et al. (US 5,278,956) in view of Yasoshima (US 2002/0078317).

Accordingly, it is ORDERED that the application be returned to the Examiner to:

(1) review the above inconsistencies to determine how to clarify the record;

(2) vacate the Examiner's Answer mailed on March 20, 2008, and

(3) issue a corrected Examiner's Answer to correct Grounds of Rejection and to correct other sections of the Answer as may be required;

(4) to include the necessary approval from the TC Director or designee in accordance with MPEP 1207.05, part (B) as may be required for any new grounds of rejection; and

(5) for such further action as may be appropriate.

Application No. 10/650,403

If there are any questions pertaining to this Order, please
contact the Board of Patent Appeals and Interferences at 571-272-9797.

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